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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,432	02/17/2000	John R. Stevens	032795-001	6452

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EXAMINER

FRENEL, VANEL

ART UNIT PAPER NUMBER

3626

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/506,432	<b>Applicant(s)</b> STEVENS ET AL.	
	<b>Examiner</b> Vanel Frenel	<b>Art Unit</b> 3626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4,6,8-14 and 72-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6, 8-14, 72-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/28/06 has been entered.

### **Notice to Applicant**

2. This communication is in response to the RCE filed on 6/28/06. Claims 1, 4, 6, 11-14 have been amended. Claims 2-3, 5, 7, 15, 55-71 have been cancelled. Claims 16-54 have been withdrawn. Claims 72-75 have been newly added. Claims 1,4, 6, 8-14 and 72-75 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 6, 8-14 and 72-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over High- tech sleuths by Leslie Werstein Hann. Best's Review.

(Property/casualty insurance edition). Oldwick: Nov. 1998. Vol.99, Iss.7; pg.83, 3pgs) in view of Risk & Insurance "Technology: Unlocking the Neural Network" by John Mutch.

(A) As per claim 1, Leslie discloses a system for assisting providers to prepare billings associated with worker's compensation claims (See Leslie, Page 3, Paragraph 1-8), comprising:

a workers' compensation claims verification system (See Leslie, Page 3, Paragraph 4);

wherein, the workers' compensation claims verification system:

receives the data contained in the electronic claim number requests (See Leslie, Page 3, Paragraphs 1-4); and

determines whether matching workers' compensation claim numbers associated with the received data exist (See Leslie, Page 1, Paragraph 7 to Page 2, Paragraph 4);

electronically supplies the matching workers' compensation claim numbers determined to exist to corresponding ones of the sending provider computers, wherein said providers use said supplied claim numbers to prepare the billings, and automatically sends an indication of the lack of determining the workers' compensation claim number to at least one of a plurality of payer computers, each being associated with a different payer, for each matching workers' compensation claim number determined not to exist (See Leslie, Page 3, Paragraphs 1-8).

Leslie does not explicitly disclose that the system having software accessed at a plurality of provider computers, the software prompting providers to input data concerning workers' compensation claims and sending electronic claim number

requests containing at least some of the inputted data across the Internet to the workers' compensation claim verification system.

However, these features are known in the art, as evidenced by John. In particular, John suggests that the system having software accessed at a plurality of provider computers, the software prompting providers to input data concerning workers' compensation claims and sending electronic claim number requests containing at least some of the inputted data across the Internet to the workers' compensation claim verification system (See John, Page 1, Paragraphs 1-3; Page 3, Paragraphs 13-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have including the feature of John within the system of Leslie with the motivation of offering an automated, faster and more flexible alternative to traditional approaches to analyzing data (See John, Page 1, Paragraph 3).

(B) As per claim 4, John discloses the system wherein the worker's compensation claims verification system further electronically requests a workers' compensation claim number from a selected one of said plurality of payer computers (See John, Page 1, Paragraph 1).

The motivation for combining the respective teachings of Leslie and John are as discussed in the rejection of claim 1 above, and incorporated herein.

(C) As per claim 6, John discloses the system wherein the software accessed at the provider computer further uses the matching claim number received from the workers'

compensation claim verification system to produce medical treatment reports (See John, Page 3, Paragraphs 13-14 to Page 4, Paragraph 1).

The motivation for combining the respective teachings of Leslie and John are as discussed in the rejection of claim 1 above, and incorporated herein.

(D) As per claim 8, John discloses the system wherein the workers' compensation claim verification system contains claim data for a number of payers (See John, Page 3, Paragraphs 13-14 to Page 4, Paragraph 3).

The motivation for combining the respective teachings of Leslie and John are as discussed in the rejection of claim 1 above, and incorporated herein.

(E) As per claim 9, John discloses the system wherein the workers' compensation claim verification system is updated with data obtained from said payer computers (See John, Page 3, Paragraphs 13-14 to Page 4, Paragraph 3).

The motivation for combining the respective teachings of Leslie and John are as discussed in the rejection of claim 1 above, and incorporated herein.

(F) As per claim 10, Leslie discloses the system wherein said at least some of the data includes name data, social security data, and injury date data (See Leslie, Page 2, Paragraph 2).

(G) As per claim 11, Leslie discloses the system wherein the workers' compensation claim verification system comprises a database at a server (See Leslie, Page 2, Paragraphs 4-6).

(H) As per claim 12, John discloses the system wherein the workers' compensation claim verification system further: receives at least one claim number from said payer computers (See John, Page 1, Paragraph 1); and matches the claim numbers with associated claim verification requests (See John, Page 3, Paragraphs 13-14 to Page 4, Paragraph 3).

The motivation for combining the respective teachings of Leslie and John are as discussed in the rejection of claim 1 above, and incorporated herein.

(I) As per claim 13, John discloses the system wherein the workers' compensation claim verification system further receives a plurality of unassigned claim numbers from said payer computers and assigns the unassigned claim numbers in response to claim verification requests received from provider computers (See John, Page 3, Paragraphs 13-14 to Page 4, Paragraph 3).

The motivation for combining the respective teachings of Leslie and John are as discussed in the rejection of claim 1 above, and incorporated herein.

(J) As per claim 14, John discloses the system wherein the workers' compensation claim verification system includes software that further allows each provider computer to

access a payer computer, and each payer computer to access each provider computer (See John Page 3, Paragraphs 13-14 to Page 4, Paragraph 3).

The motivation for combining the respective teachings of Leslie and John are as discussed in the rejection of claim 1 above, and incorporated herein.

(K) As per claim 72, John discloses the system wherein each payer is a different insurer (See John, Page 4, Paragraph 4).

The motivation for combining the respective teachings of Leslie and John are as discussed in the rejection of claim 1 above, and incorporated herein.

(L) As per claim 73, Leslie discloses the system wherein each sent indication alerts the associated insurer of a potential lack of claim incident information (See Leslie, Page 3, Paragraphs 4-6).

(M) As per claim 74, Leslie discloses the system wherein each indication prompts the associated insurer to request claim incident information from an insured (See Leslie, Page 3, Paragraphs 1-4).

(N) As per claim 75, Leslie discloses the system wherein each provider is a doctor having an associated patient having an associated employer, wherein the employer is the insured (See Leslie, Page 4, Paragraphs 1-2).



***Response to Arguments***

5. Applicant's arguments filed on 6/28/06 with respect to claims 1,4, 6, 8-14 and 72-75 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 3626

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September 14, 2006